

# FLYNN & WIETZKE, P.C.

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March 13, 2025

Hon. Jesse M. Furman  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

RE: FRANCIS BRACOME V. METRO-NORTH COMMUTER RAILROAD  
24 Civ. 6321 (JMF)

Dear Judge Furman:

We are writing on behalf of both parties to provide the Court with a status report, and to respectfully request that the telephone conference on March 18, 2024 at 9:00 AM be adjourned.

Discovery is proceeding without issue and the parties are working together to complete everything within the current deadlines. The parties have conferred and do not believe that the March 18, 2025 conference is necessary. We respectfully request that the conference be adjourned to a date closer to the expert discovery end date of May 5, 2025.

Fact discovery will be complete by the current March 18, 2025 deadline. The only remaining deposition of defendant is scheduled for March 18, 2025. We do not anticipate that any issues will arise at the deposition.

Expert discovery is to be completed by May 5, 2025, and the parties believe that they will be able to have it completed by that date. One issue, however, arose during plaintiff's deposition which could impact our ability to complete expert discovery. Plaintiff is scheduled for an examination with his treating surgeon next week to evaluate problems with his right knee which recently arose.<sup>1</sup> If plaintiff is required to undergo any invasive treatment, such as a surgery, the parties will likely need additional time. We should know in advance of the current expert discovery deadline and, if necessary, we will write to the Court with an update and request for extension.

In accordance with Your Honor's individual rules, the joint pre-trial order and trial documents are due on June 4, 2025. The parties respectfully request that those dates be held in

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<sup>1</sup> Plaintiff has claimed bi-lateral knee injuries and has undergone a total left knee replacement.

abeyance until our next pre-trial conference, by which time we will know more about plaintiff's need for further medical treatment.

No settlement discussions have taken place. If we believe that a settlement conference would be beneficial, we will request a referral at the close of discovery.

The parties thank the Court for its consideration of this request.

Respectfully submitted,



Sean Constable

SC:EF

Cc: Andrew Muccigrosso, Esq.

Application GRANTED. The pretrial conference scheduled for March 18, 2025 is hereby ADJOURNED until **May 6, 2025 at 9:00 a.m.** Per the Court's Civil Case Management Plan and Scheduling Order, *see* ECF No. 16, the deadline for the Joint Pretrial Order remains 30 days after the close of expert discovery. If the parties later conclude they need an extension of the deadline for expert discovery, they should file a letter seeking such an extension on the docket. The Clerk of Court is directed to terminate ECF No. 20.

SO ORDERED.



March 13, 2025